

SEC. 11603. MANDATORY SUPPORTIVE SERVICES.

Section 140 of title 23, United States Code, is amended by adding at the end the following:

“(e) MANDATORY SUPPORTIVE SERVICES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE INDIVIDUAL.—

“(i) IN GENERAL.—The term ‘eligible individual’ means an individual described in clause (ii) that—

“(I) is participating in a project under this title; and

“(II) can demonstrate a need for supportive services, as determined by the State department of transportation.

“(ii) INDIVIDUALS DESCRIBED.—An individual referred to in clause (i) is—

“(I) a participant in a pre-apprenticeship or apprenticeship-readiness program;

“(II) an apprentice; or

“(III) a worker in a construction trade on a project under this title.

“(B) SUPPORTIVE SERVICE.—The term ‘supportive service’ means—

“(i) a pre-apprenticeship or apprenticeship-readiness program that has a written agreement with one or more registered apprenticeship programs (as defined in section 11601 of the Infrastructure Investment and Jobs Act);

“(ii) transportation;

“(iii) child care and dependent care;

“(iv) housing;

“(v) food and nutrition services;

“(vi) health and mental health care support, including substance use disorder treatment;

“(vii) access to the internet;

“(viii) needs-related payments;

“(ix) tools;

“(x) workwear;

“(xi) retention services (including support groups, mentoring, or peer networking); and

“(xii) support to pay the costs of application fees and other costs of entering registered apprenticeship programs (as defined in section 11601 of the Infrastructure Investment and Jobs Act) and required pre-employment training.

“(2) AUTHORIZATION.—The Secretary, in cooperation with the Secretary of Labor and any other Federal agency, State agency, authority, association, institution, Indian Tribe or Tribal organization, for-profit or nonprofit corporation, and any other organization or person, shall establish and carry out a program to provide supportive services to eligible individuals in order to increase State-wide capacity to provide opportunities for underrepresented groups to work in infrastructure project construction jobs, with a special emphasis on maximizing opportunities for women, people of color, and individuals with barriers to employment.

“(3) STATE OBLIGATION.—For fiscal year 2023 and each fiscal year thereafter, a State shall obligate not less than ½ of 1 percent of the amounts apportioned to the State under section 104(b) for supportive services for eligible individuals.

“(4) NONAPPLICABILITY OF TITLE 41.—Section 6101 of title 41 shall not apply to contracts and agreements made under the authority granted to the Secretary under this subsection.”.

SA 2445. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of division I, add the following:

SEC. 90009. PROHIBITION ON RECONCILIATION.

On and after the date of enactment of this Act, in the Senate and the House of Representatives, it shall not be in order to consider a bill or joint resolution reported pursuant to reconciliation instructions included pursuant to section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) in a concurrent resolution on the budget for fiscal year 2022.

SA 2446. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike line 5 and insert the following:

(2) in subsection (1)—

(A) by striking paragraph (2);

(B) by striking the subsection designation and all that follows through “In determining” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(1) ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.—

“(1) DEFINITIONS.—In this subsection:

“(A) RIGHT-OF-WAY.—The term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

“(B) UTILITY FACILITY.—

“(i) IN GENERAL.—The term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

“(ii) INCLUSIONS.—The term ‘utility facility’ includes—

“(I) alternative fueling infrastructure;

“(II) a renewable energy generation facility;

“(III) electrical transmission and distribution infrastructure; and

“(IV) broadband infrastructure and conduit.

“(2) ACCOMMODATION.—In determining”;

and

(C) by adding at the end the following:

“(3) STATE APPROVAL.—A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(B)(ii) within a right-of-way on a Federal-aid highway.”;

(3) in subsection (o)—

On page 202, line 23, strike “(3)” and insert “(4)”.

On page 203, strike line 17 and insert the following:

the project is located on a Federal-aid highway.

“(t) VEGETATION MANAGEMENT.—Notwithstanding any other provision of law, States are encouraged to implement, or to enter into partnerships to implement, vegetation management practices, such as increased

mowing heights and planting native grasses and pollinator-friendly habitats, along a right-of-way on a Federal-aid highway, if the implementation of those practices—

“(1) is in the public interest; and

“(2) will not impair the highway or interfere with the free and safe flow of traffic.”.

SA 2447. Mr. CARPER (for himself, Mr. INHOFE, Mr. WICKER, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2486, line 14, strike “*Provided*” and all that follows through “proviso:” on line 21 and insert the following: “*Provided further*, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects: *Provided further*, That section 102(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C. 2212(a)) and section 109 of the Water Resources Development Act of 2020 (Public Law 116-260; 134 Stat. 2624) shall not apply to the extent that such projects are carried out using funds provided in the preceding proviso: *Provided further*, That in using such funds referred to in the preceding proviso, the Secretary shall give priority to projects included in the Capital Investment Strategy of the Corps of Engineers.”.

On page 2487, lines 9 through 11, strike “or section 1135 of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C. 2309a),” and insert “section 1135 of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C. 2309a), or section 165(a) of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116-260).”.

On page 2489, line 3, insert “*Provided further*, That the amounts provided in the preceding proviso do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from the amounts provided under this title in this Act for additional shore protection projects:” after “2024.”.

On page 2489, line 9, insert “*Provided further*, That in selecting projects under the previous proviso, the Secretary of the Army shall prioritize projects with overriding life-safety benefits: *Provided further*, That of the funds in the proviso preceding the preceding proviso, the Secretary of the Army shall, to the maximum extent practicable, prioritize projects in the work plan that directly benefit economically disadvantaged communities, and may take into consideration prioritizing projects that benefit areas in which the percentage of people that live in poverty or identify as belonging to a minority group is greater than the average such percentage in the United States, based on data from the Bureau of the Census:” after “purpose:”.

On page 2496, between lines 2 and 3, insert the following:

GENERAL PROVISIONS—CORPS OF ENGINEERS

SEC. 300. For projects that are carried out with funds under this heading, the Secretary of the Army and the Director of the Office of Management and Budget shall consider other factors in addition to the benefit-cost ratio

when determining the economic benefits of projects that benefit disadvantaged communities.

SA 2448. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2153, line 6, insert “satellites,” after “fiber.”

SA 2449. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1799, strike line 13 and all that follows through page 1800, line 10, and insert the following:

(15) \$300,000,000 shall be made available for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained, of which—

(A) \$125,000,000 shall be made available to the Secretary of the Interior; and

(B) \$175,000,000 shall be made available to the Secretary of Agriculture;

On page 1800, line 11, strike “(17)” and insert “(16)”.

On page 1800, line 17, strike “(18)” and insert “(17)”.

On page 1816, strike lines 1 through 12 and insert the following:

(2) \$300,000,000 shall be made available to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or agreements entered into under section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)), of which—

(A) \$60,000,000 shall be made available to the Secretary of the Interior; and

(B) \$240,000,000 shall be made available to the Secretary of Agriculture;

On page 2568, line 12, strike “\$905,000,000” and insert “\$925,000,000”.

On page 2568, line 15, strike “\$337,000,000” and insert “\$341,000,000”.

On page 2568, line 17, strike “\$142,000,000” and insert “\$146,000,000”.

On page 2568, line 18, strike “\$142,000,000” and insert “\$146,000,000”.

On page 2568, line 20, strike “\$142,000,000” and insert “\$146,000,000”.

On page 2568, line 22, strike “\$142,000,000” and insert “\$146,000,000”.

On page 2570, line 19, strike “\$1,055,000,000” and insert “\$980,000,000”.

On page 2570, line 23, strike “\$327,000,000” and insert “\$312,000,000”.

On page 2570, line 25, strike “\$182,000,000” and insert “\$167,000,000”.

On page 2608, line 17, strike “\$2,115,000,000” and insert “\$2,095,000,000”.

On page 2608, line 21, strike “\$587,000,000” and insert “\$583,000,000”.

On page 2608, line 23, strike “\$382,000,000” and insert “\$378,000,000”.

On page 2613, line 18, strike “\$696,200,000” and insert “\$771,200,000”.

On page 2613, line 23, strike “\$552,200,000” and insert “\$567,200,000”.

On page 2613, line 24, strike “\$36,000,000” and insert “\$51,000,000”.

On page 2614, line 1, strike \$36,000,000 and insert “\$51,000,000”.

On page 2614, line 3, strike “\$36,000,000” and insert “\$51,000,000”.

On page 2614, line 4, strike “\$36,000,000” and insert “\$51,000,000”.

SA 2450. Mr. BARRASSO (for himself, Mr. TESTER, Mr. DAINES, Mr. THUNE, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division A, add the following:

SEC. 112. EXEMPTIONS FOR LOW POPULATION DENSITY STATES.

Section 150 of title 23, United States Code, is amended by adding at the end the following:

“(f) EXEMPTIONS FOR LOW POPULATION DENSITY STATES.—

“(1) IN GENERAL.—The Secretary shall grant, on the election of and in consultation with a State, an exemption from 1 or more of the requirements described in paragraph (2)(A) if the State—

“(A) is on the list of eligible States under paragraph (5) for the applicable performance period; and

“(B) provides a written notice of the election that includes an explanation under paragraph (4)(A).

“(2) REQUIREMENTS DESCRIBED.—

“(A) STATE REQUIREMENTS.—The requirements from which a State described in paragraph (1) may elect an exemption are—

“(i) requirements established under subclauses (IV) and (V) of subsection (c)(3)(A)(ii);

“(ii) requirements established under subsection (c)(5)(A);

“(iii) requirements established under subsection (c)(6); and

“(iv) targeting, data, reporting, or administrative requirements established under subsections (d) and (e) that are related to a requirement described in clause (i), (ii), or (iii) from which the State elects to receive an exemption.

“(B) METROPOLITAN PLANNING ORGANIZATION REQUIREMENTS.—A metropolitan planning organization with a metropolitan planning area that is located entirely within a State that is exempt shall be exempt from the requirements under section 134(h)(2)(B) that relate to each measure described in subparagraph (A) from which the State of the metropolitan planning organization is exempt.

“(3) TERM.—An exemption applied under paragraph (1) —

“(A) shall be in effect until the date that is 4 years after the date on which the performance period promulgated by the Secretary under subsection (d) in effect at the time the exemption is applied ends; and

“(B) may be renewed by the State for an additional 4-year term at the end of each performance period if, in accordance with paragraph (4)—

“(i) the State submits another written explanation; and

“(ii) the State continues to be included on the list of eligible States under paragraph (5).

“(4) NOTIFICATION OF ELECTION OF EXEMPTION.—

“(A) IN GENERAL.—To be eligible to make an election under paragraph (1), not later than September 1 of the calendar year preceding the calendar year in which the next performance period promulgated by the Secretary under subsection (d) begins, a State described in that paragraph—

“(i) shall submit to the Secretary—

“(I) identification of the 1 or more requirements described in paragraph (2)(A) for which an exemption is elected; and

“(II) a written notice that includes an explanation advising the Secretary that the State is not experiencing significant performance issues on the surface transportation system of the State with respect to each requirement referred to in subclause (I); and

“(ii) may submit to the Secretary any other information or material that the State chooses to include in the notice.

“(B) SPECIAL RULE.—Notwithstanding the deadline described in subparagraph (A), a State described in paragraph (1) may submit a notice under subparagraph (A) at any time before September 1, 2022.

“(5) ELIGIBLE STATES.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection and thereafter, on each September 1 of the calendar year 2 years prior to the calendar year in which the next performance period promulgated by the Secretary under subsection (d) begins, the Secretary shall publish a list of States that may elect to receive an exemption from a requirement described in paragraph (2)(A).

“(B) INCLUSIONS.—The Secretary shall include on the list under subparagraph (A)—

“(i) any State that—

“(I) has a population per square mile of area that is less than the population per square mile of area of the United States, based on the latest available Bureau of the Census data at the time the Secretary publishes the list;

“(II) does not include an urbanized area with a population of over 200,000 within the State; and

“(III) has no repeated delays or other persistent impediments to travel reliability on the portions of the National Highway System in the State that the Secretary determines to be excessive; and

“(ii) based on the latest available Bureau of the Census data at the time the Secretary publishes the list, any State that—

“(I) has a population density of less than 15 persons per square mile of area; and

“(II) does not include an urbanized area with a population of over 200,000.

“(6) NATIONAL REPORTING.—

“(A) ELIGIBLE STATES.—For each State included on the list of eligible States under paragraph (5), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of traffic congestion, travel reliability, truck travel reliability, and any other relevant performance metrics on the portions of the National Highway System in the State, including any delays or impediments that the Secretary determines to be excessive.